

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3:21-cr-32

vs.

DAMON MYERS,

District Judge Michael J. Newman

Defendant.

ORDER: (1) GRANTING BOTH DEFENDANT DAMON MYERS'S SECOND *PRO SE* MOTION TO APPOINT NEW COUNSEL (Doc. No. 50) AND ATTORNEY JAMES P. FLEISHER'S MOTION TO WITHDRAW AS COUNSEL (Doc. No. 51); (2) APPOINTING ATTORNEY MARCIE SHERMAN AS CJA COUNSEL FOR DEFENDANT; AND (3) DIRECTING ATTORNEY SHERMAN TO MEET AND CONFER WITH MYERS AND FILE A NOTICE WITH THE COURT ON OR BEFORE AUGUST 9, 2023 REPORTING WHETHER MYERS WILL CONTINUE WITH HIS PRESENT MOTION TO SUPPRESS

This criminal case is before the Court regarding Defendant Damon Myers's second *pro se* motion to appoint new counsel (Doc. No. 50), and Attorney James P. Fleisher's motion to withdraw as counsel (Doc. No. 51). The Court previously reserved judgment on both motions until Myers received new counsel. Doc. No. 52. The Court now **GRANTS** both motions and **APPOINTS** Attorney Marcie Sherman as CJA counsel for Myers.

The Court has held Myers's pending motion to suppress (Doc. No. 38) in abeyance until he received new counsel (Doc. No. 52). The Court now **ORDERS** Attorney Sherman to meet and confer with Myers and file a notice with the Court **on or before August 9, 2023** reporting whether Myers will continue with his present motion to suppress. If Myers wishes to continue with his present motion, because the Court has already held an evidentiary hearing and the parties have submitted post-hearing briefing, the Court will issue a ruling. Alternatively, Myers may move to

withdraw the present motion to suppress without prejudice or move for supplemental hearing and post-hearing briefing on the present motion to suppress.

IT IS SO ORDERED.

July 26, 2023

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge

cc: Marcie Sherman
(937) 952-5043
msherman@thevannoyfirm.com